

U.S. District Court for the District of Utah

Alternative Dispute Resolution Program

The District of Utah offers two alternatives to litigation for dispute resolution assistance in civil cases and bankruptcy adversary proceedings. These alternative dispute resolution (“ADR”) options are arbitration and mediation. When compared with traditional litigation in appropriate cases, these alternatives can resolve disputes faster, at less expense, and with solutions that are better able to meet the parties’ needs and interests.

ARBITRATION

Arbitration is a private, formal, voluntary dispute resolution process conducted by an impartial third person, the arbitrator, who hears the case and determines what award, if any, should be made. In arbitration, the standards regarding evidence, discovery, and civil procedures are relaxed to varying degrees determined by the arbitrator in consultation with the parties.

MEDIATION

Mediation is an informal, confidential process in which a neutral third person, the mediator, assists the parties to reach a mutually agreeable settlement. The mediator does not rule on issues or impose a settlement. Instead, the mediator helps the parties to improve communication, clarify interests and examine the strength and weaknesses of each party’s positions. Also, the mediator can identify areas of agreement and help the parties to propose and evaluate options.

What rules govern the ADR Program? The District of Utah’s local rule, DUCivR 16-2, and its ADR Plan govern the ADR Program. Both are available online at <http://www.utd.uscourts.gov>

How do I get my case into an ADR process? Parties may request arbitration or mediation by filing a Motion of Referral to ADR along with a proposed order. The assigned judge may also order a case into mediation on the judge’s own motion. **Parties are encouraged to contact Michelle Roybal, the ADR Administrator, (801) 524-6128, to (i) have an order drafted for their case or to discuss referral, or (ii) inform her of a time when ADR could be more useful.**

When can I get my case into an ADR process? A case may be referred to ADR at any time.

What litigation deadlines are affected by an order referring a case to ADR? The formal discovery process is stayed by an order referring a case to ADR pursuant to DUCivR 16-2(f). Parties may stipulate to conduct some discovery even after the case is referred. Unless otherwise ordered by the assigned judge, all other pretrial deadlines or hearings remain in effect.

What costs does participation in the ADR Program entail? Court-appointed arbitrators and mediators collect \$100.00 for each hour spent in an ADR conference. Unless the parties agree otherwise, the compensation fee is split evenly between the parties. Parties who are unable to pay their portion of the fee may move the court to waive their portion of the fee.

How can I obtain more information about the Court’s ADR Program? Visit the Court’s website at <http://www.utd.uscourts.gov> which contains information about the court’s ADR Program, including the local rule, the ADR Plan, sample forms and the rosters of arbitrators and mediators. Parties may also contact the ADR Administrator, Michelle Roybal, at (801) 524-6128.